

REMARKS

Applicants thank Examiner Luu for his time during our conference on April 15, 2004 to discuss the enclosed matters and reach agreements as noted herein acknowledging that novelty existed in the features shown in Fig. 1 in light of the AAPA shown in the other Figs.

Claims 1, 2, 8-27 are in the application.

No claims are presently allowed.

Favorable reconsideration is requested in view of the enclosed clarifying explanations and the following representations. The specification is amended to correct the minor noted below. No new matter has been added. Support for the amendments is found in the original claims, specification, and drawings.

Applicants respectfully request reconsideration of the rejections for the reasons noted herein.

1. Claims

Since a through understanding of the invention is essential to a clear review of the application, Applicants note the following key points with reference to the specification, particularly pages 10-11 which must be fully understood, particularly the amended description provided when originally filed.

A. The claims are directed to a 'reel rotation and detection mechanism' not the prior art mechanism for detecting the leading and entraining ends of a magnetic tape BUT both mechanism are employed together in tape recording units and share some parts or portions of some parts (substrate 30 and portions of the light guide), consequently a label is used for the part (e.g. a X element for Y, where Y is a description not an element) and each of the claim elements is shown in the drawings (plural), a total device may be intellectually constructed from the drawings (showing each element) and the claims.

B. Fig. 1 shows novel features, but those novel features must be claimed in conjunction

5 with prior art features shown in the other Figs. to place them in operative context.  
There is no MPEP/CFR/UCC requirement that each feature of a claim must be shown  
in the SAME or SOLE drawing.

10 B. Portions of the light guiding member 63 and the light emitting member 61 serve in  
both mechanisms (reel rotation detection mechanism and tape end detection  
mechanism), and it is particularly important to understand that the branch portion 63b  
is used in the reel rotation and detection mechanism only. SEE Page 10 lines 1-end.  
The light guiding member 63 is therefore correctly labeled (and claimed) as guiding  
light for the detection of leading and entraining ends AND for guiding light . . . for  
detection of the reel (See claim 1 line 5-6) (a similar descriptive explanation applies  
15 to the light emitting element 61). As a consequence the claim language provided is  
to a light guiding member for tape end detection employing both new elements and  
components used for reel rotation detection, and is correct and is shown in the  
drawings. The tape ends are illustrated in Fig. 2 and do not need to be shown in Fig.  
1 which only shows reel rotation detection.

20 C. Consequently, the claim elements noted below are DESCRIPTIVE to show  
interrelation, and are in-part shown in Fig. 1, and in-part shown in other Figs. (Figs.  
2, 4, etc.). In support, Applicants note the following from the specification:

25 "Although not shown in Fig. 1, the light receiving elements  
42a and 42b for the leading end and entraining end detection use are  
engaged on the main substrate 30 as in the leading and entraining end  
detection mechanism 40 of the magnetic tape of Fig. 4" (see page 10,  
fifth full para., additional support is clearly found on pages 10-11)

30 Applicant notes that pillar portion 63a guides light for the non-claimed tape end  
detection mechanism in the prior art and includes the branch portion 63b guiding light for the reel  
rotation mechanism. As a consequence intellectual construction is required from multiple drawings,

5 but each element in the claims is shown in the drawings.

Concerning the "second light receiving elements" in the claims 18-25" the Examiner's kind attention is directed to "light receiving elements 42a and 42b" (for tape end detection) on substrate 30 in Fig. 4 which are used in conjunction with light receiving element 62 on substrate 30 (for reel rotation detection) and are additionally claimed in the dependent claim. In sum, the second light receiving element is clearly shown in the drawing and can be claimed as noted and are clearly shown and show the purpose of detecting tape ends.

Consequently each element is clearly shown in the drawings (Figs 1 (for the novelty of detecting reel rotation), and in-part in the prior art Figs. showing the prior art mechanism (for detecting the tape ends)

Applicants kindly direct attention to page 10 of our most recent response where this difference is explained from line 20 page 10 to line 10 on page 11.

### Novelty Discussion

As agreed with the Examiner during our April 15<sup>th</sup>, 2004 conversation, at least one novel element exists in the claims for "reel rotation and detection" namely the limitation of light guiding member 63b positioned above the deck that continuously guides light from below the deck 20 to a point above the deck 20 and thereafter to a first light receiving element 62 positioned below the deck 20 via a light passing portion on a reel when aligned with an opening portion on the deck 20.

At least the following items claimed in each independent claim 1, 26, and 27 are missing from the AIPA (these features were earlier discussed in the response and were not rebutted in the instant office action based on a close reading of the claim requirements).

- (1) Light guiding member 63B transmitting light from below to above and back below

- 5                   the deck (e.g., requiring at least two internal reflections as shown in Fig. 1)
- (2)    Light passing portion 11 on a reel transmitting the light
- (3)    Opening Portion 21 on deck 20.

10               Since only one additional or different element is necessary to overcome a prima facie  
obviousness rejection under §103, Applicants respectfully suggest that they have overcome the  
purported prima facie showing and request notice to that effect in subsequent communications.

              Since each claim depending from a non-obvious claim is *de facto* non-obvious applicants  
respectfully propose that the remaining pending claims in the application are non-obvious for that  
reason.

15               **2. Drawings**

              Applicants respectfully note that the objection to the drawings is based upon the assumption  
that the claimed elements are not shown in the drawings. Applicants note that there is no  
requirement that each element of the claims be shown in exactly the same drawing, only that the  
20           elements be shown in the drawings. Note MPEP §608.02(d) requiring that the drawings show every  
feature of the invention specified in the claims. There is no requirement that a single drawing show  
every feature, particularly where prior art features are related to novel features and where multiple  
drawings are provided (see discussion above). As a consequence, it is requested that the objection  
to the drawings be withdrawn.

25               **3. Specification**

              As agreed with Examiner Luu during our April 15<sup>th</sup>, 2004 conversation, it was the incorrect  
placement of the phrase "Summary of the Invention" that has created the confusion regarding new  
matter, (since Prior Art Figs. 4 and 5 were described). The phrase "Summary of the Invention" has  
30           now been moved to correct this confusion and is positioned preceding the phrase "Preferred  
Embodiments of the Invention" on the top of page 7.

CONCLUSION

Reconsideration and withdrawal of the listed concerns is respectfully requested. In view of the foregoing, the application is now believed to be in proper form for allowance and notice to that effect is earnestly solicited. Applicants propose respectfully that they have responded to each and every rejection and/or objection raised by the Examiner in this case.

In the spirit of condensed and streamlined practice, if the Examiner believes that a telephone conference would be of value, he is respectfully requested to call the undersigned counsel at the number listed below for prompt response. The U.S. Patent Office is authorized to charge any additional fees not provided herein or credit any over payments to our Deposit Account No. 10-0100.

Early and favorable action is respectfully solicited.

Dated: April 16, 2004

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ANDREW YOUNG

Attorney

Signature

April 16, 2004

Date

Applicant hereby petitions that any and all extensions of time of the term necessary to render this response timely be granted. COSTS FOR SUCH EXTENSION(S) AND/OR ANY OTHER FEE DUE WITH THIS FEE DUE WITH THIS PAPER THAT ARE NOT FULLY COVERED BY AN ENCLOSED CHECK MAY BE CHARGED TO DEPOSIT ACCOUNT #10-0100.

Respectfully submitted,

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By:

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